

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

MOUSSA DIARRA,

Plaintiff,

VS.

**WEST CENTRAL GEORGIA
REGIONAL HOSPITAL, *et al.*,**

Defendants.

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NO. 4:21-CV-112-CDL-MSH

ORDER

Plaintiff Moussa Diarra, a pretrial detainee in the Dekalb County Jail in Atlanta, Georgia, filed a 42 U.S.C. § 1983 action. ECF No. 1. He also moved to proceed *in forma pauperis*. ECF No. 2. The Court granted his motion to proceed *in forma pauperis* and ordered him to file a recast complaint. ECF No. 8. The Court explained the deficiencies in Plaintiff's original complaint and provided instructions regarding how to proceed with his recast complaint. *Id.* at 3-4. The Court gave Plaintiff twenty-one days to file his recast complaint and specifically informed him that failure to do so would result in dismissal of his action. *Id.* at 4-5.

Plaintiff has not filed his recast complaint. Due to Plaintiff's failure to follow the Court's Order and prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**.¹ Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Ctny. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) (holding the court may dismiss an action sua

¹ Plaintiff's motion for non-waiver, ECF No. 9, is **DENIED** as moot.

sponte under Rule 41(b) for failure to prosecute or failure to obey a court order); *Gromley v. Nix*, No. 04-12374, 2005 WL 2090282, at *4 (11th Cir. Aug. 31, 2005) (citing *Wilson v. Sargent*, 313 F.3d 1315 (11th Cir. 2002)) (finding that the district court had no “obligation to inquire regarding an inmate’s attempts to comply with a court order” to submit a required form).

SO ORDERED, this **22nd** day of **September 2021**.

S/Clay D. Land
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA